

Notice of Allowability

Application No.

10/811,895

Applicant(s)

KUWAJIMA ET AL.

Examiner

William J. Klimowicz

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on June 7, 2007.
2. ☒ The allowed claim(s) is/are 1-5, 8-15 and 18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Information Disclosure Statement

The information disclosure statement filed May 3, 2007 lacks a statement as specified in 37 CFR 1.97(e).

Additionally, the information disclosure statement filed May 3, 2007 lacks the fee set forth in 37 CFR 1.17(p).

The Applicant states in the information disclosure statement filed May 3, 2007, that:

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No certification or fee is required.

This statement is incorrect. It is noted that a first office action was mailed from the Patent Office on March 7, 2007, and as such, in order to comply with 37 CFR 1.97(c), either proper certification or the fee under 37 CFR 1.117(p) is required.

37 CFR 1.97 (e) recites:

- (e) A statement under this section must state either:
- (1) That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - (2) That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

The Applicant, however, in the information disclosure statement filed May 3, 2007, also stated:

Please charge any shortage in fees due in connection with the filing of this

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paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Since proper certification was not provided, the Examiner is requiring that the fee of \$180 (under 37 CFR 1.17(p)) be applied against the Applicant's Deposit Account 500417 for consideration of the IDS.

The amendment to claims 3 and 13, have been analyzed and found to be in compliance with 35 U.S.C. 112, first paragraph.

Claims 3 and 13, as amended on June 7, 2007, read "wherein the rotor hub and the rotor-side bearing member are made of a *single* material and formed integrally" (emphasis added) from the previous phrase "wherein the rotor hub and the rotor-side bearing member are made of a *same* material and formed integrally" (emphasis added) have been construed in a such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The drawings and specification disclose the wherein the rotor hub (e.g., 2) and the rotor-side bearing (e.g., 3) member are made of a *single* material. That is, the drawings indicate that the hub (2) is made of a *single* material (due to the presence of a uniform cross-hatching of (2a, 2b and 2c) in the drawings and also the specification's failure to disclose that the hub is made of a heterogeneous material) and that the rotor-side bearing (e.g., 3) member is also made of a *single* material (due to the presence of a uniform cross-hatching of (3, 3a) in the drawings and also the specification's failure to disclose that the rotor-side bearing member is made of a heterogeneous material).

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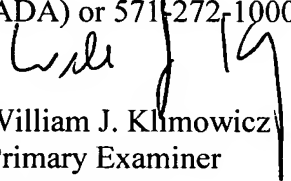
Thus, as supported by the Applicant's specification, the rotor hub and the rotor-side bearing member are each made of a *single* material, as opposed to being composed of heterogeneous materials - in order to be consistent with the Applicant's specification, the *single* materials may be made of homogeneous materials, albeit differing materials, formed integrally.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Klimowicz whose telephone number is (571) 272-7577. The examiner can normally be reached on Monday-Friday (7:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William J. Klimowicz
Primary Examiner
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